

WATER WELL DRILLERS ACT—PENALTIES

CHAPTER 387

S. B. No. 700

An Act amending Section 13 of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the 61st Legislature, Regular Session, 1969 (codified as Article 7621e, Vernon's Texas Civil Statutes); changing the penalties for violation of the Water Well Drillers Act, Article 7621e, Vernon's Texas Civil Statutes, from misdemeanors to civil penalties of not to exceed \$1,000 per day for each and every day and each and every act; providing for injunctions; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 13 of Chapter 264, Acts of the 59th Legislature, Regular Session, 1965, as last amended by Chapter 376, Acts of the 61st Legislature, Regular Session, 1969 (codified as Article 7621e, Vernon's Texas Civil Statutes), is amended ⁶⁶ to read as follows:

"Sec. 13. Any person who fails to comply with the provisions of this Act, or with any rule or regulation promulgated by the board or the commission under this Act, or with any term, condition or provision in his permit issued pursuant to this Act, shall be subject to a civil penalty in any sum not exceeding One Thousand Dollars (\$1,000) for each day of noncompliance and for each act of noncompliance, as the court may deem proper. The action may be brought by the board or the commission, as appropriate, in any court of competent jurisdiction in the county where the offending activity is occurring or where the defendant resides. Full authority is also given the board or commission, as appropriate, to enforce by injunction, mandatory injunction or other appropriate remedy, in courts having jurisdiction in the county where the offending activity is occurring, any and all reasonable rules and regulations promulgated by it which do not conflict with any law, and all of the terms, conditions and provisions of permits issued by the board or commission pursuant to the provisions of this Act. At the request of the board or the commission, the Attorney General shall institute and conduct a suit in the name of the State of Texas for injunctive relief or to recover the civil penalty, or for both the injunctive relief and civil penalty, authorized in this section. Any party to a suit may appeal from a final judgment as in other civil cases. The obtaining of a permit under the provisions of this Act by a person shall not act to relieve that person from liability under any statutory law or the Common Law."

Sec. 2. The facts that the Texas Water Well Drillers Board needs a civil penalty provision in its law and that there is a need for an enforcement program as to this agency create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

Passed the Senate on April 22, 1971: Yeas 31, Nays 0; May 21, 1971, Senate concurred in House amendments: Yeas 31, Nays 0; passed the House on May 19, 1971, with amendments: Yeas 143, Nays 0, and two present not voting.

Approved May 26, 1971.

Effective Aug. 30, 1971, 90 days after date of adjournment.

66. Vernon's Ann.Civ.St. art. 7621e, § 13.